HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 2026(S/S)2005

Smt. Pushplata Singh W/o Sri Chandra Bhan Singh,
D/o late Sri Raj Nath Singh,
R/o 423 Niranjani Akhara Bagh,
Mayapur, Haridwar. ---- Petitioner.

Vs.

1. Union of India, through Secretary, Medical Health & Family Welfare, New Delhi,
2. Director General Medical Health & Family Welfare, U.P.,
3. Director General Medical Health & Family Welfare, Uttaranchal,
4. Secretary, Medical Health, Uttaranchal,
5. Secretary, Medical Health, U.P.,
6. Chairman, Central Advisory Committee, State Advisory Committee, New Delhi 110003. ----Respondents.

Sri Munish Bhardwaj, learned counsel for the petitioner,
Learned Asstt. Solicitor General for Union of India/respondent no.1 and 6,
Learned Standing Counsel for State of Uttaranchal/respondent no. 3 & 4,
Learned Standing Counsel for State of U.P./respondent no. 2 & 5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Munish Bhardwaj, learned counsel for the petitioner, learned Solicitor General for Union of India/ respondent nos. 1 & 6, learned Standing Counsel for State of Uttaranchal/respondent nos. 3 & 4 and learned Standing Counsel for State of U.P./respondent nos. 2 & 5.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. To issue writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioner for State of U.P.,

ii. Issue writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. To award the cost to the petitioner,

3. Submission of the learned counsel for the petitioner is that the petitioner was appointed as Staff Nurse in the Sub-ordinate Nursing Services in the State of U.P. vide orders dated 17.05.1983 passed by Senior Medical Superintendent Mahila Hospital, Lucknow. At present the petitioner is posted in district Haridwar. The Petitioner is a permanent resident of Rampur in the State of U.P. Consequently prior to creation of Stat of Uttaranchal she had opted for State of U.P. On 22nd July 2001, the Director General, Medical Health and Family Welfare wrote a letter requesting the State of Uttaranchal to relieved 42 Staff Nurses who were posted in the State of Uttaranchal and have opted for State of U.P. The name of the petitioner finds place at serial no. 38 in the aforesaid list, which is annexed as annexure no. 5 to the writ petition.

4. Submission of the learned counsel for the petitioner is that in spite of this order, the respondents have yet not relieved the petitioner for State of U.P.

5. It is submitted by the petitioner that some of the Staff Nurses whose names mentioned in the list have already been relieved for State of U.P., however the petitioner has yet not been relieved.

6. Counsel for the petitioner has further submitted that the petitioner has already raised her grievances by filing a representation before the Director General Medical Health and Family Welfare, Uttaranchal on 27.05.2002, which is annexure no. 3 to the writ petition. It is submitted that the respondent no.

3 may be directed to take decision on the representation of the petitioner at an earliest.

7. On the facts and circumstances, I deem it fit and proper to direct the respondent no. 3 to take decision on the representation of the petitioner within the period prescribed by the Court.

8. Accordingly, the respondent no. 3 i.e. Director General, Medical Health & Family Welfare, Uttaranchal is directed to take decision on the representation of the petitioner dated 27.05.2002, annexed as annexure no. 3 to the writ petition, within a period of four weeks from the dated of production of a certified copy of this order.

9. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

May 12, 2006:
NCM: